



**CITY OF SUNNYVALE  
HOUSING DIVISION  
BELOW MARKET RATE (BMR) – RENTAL HOUSING PROGRAM  
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**NOTICE – BMR-R-08/09-1**

**DATE:** December 15, 2008

**TO:** Property Owners of Rental Properties, Property Managers,  
Operations Managers and Leasing Managers

**SUBJECT:** RENTAL WORKSHOP FOLLOUP-UP

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On November 21, 2008, the City of Sunnyvale conducted a Below Market Rate (BMR) Rental Housing Program Workshop for Property Managers and Owners managing the BMR Rental Housing Program. Attendees raised several program questions, which are addressed in this Rental Bulletin. For further information or clarification of any of these issues, please contact the Housing Division at the phone number above.

**TERMINATION OF LEASE**

If one or more of the original household members of a BMR tenant vacates the BMR unit, but at least one adult named as a tenant in the BMR lease wishes to remain in the unit (for example, if a couple decides to split up and one partner remains in the unit), the remaining tenant may continue leasing the BMR unit, provided they remain income eligible without including the departing household member(s) as part of the household; and abide by all other provisions of their lease. Additional household members added to the lease as additional tenants may not assume the BMR lease if the entire original BMR tenant household (the original applicant for the unit) vacates the unit, unless there are no current applicants on a waiting list for that size of unit at that property, otherwise the additional tenant must be added to the waiting list prior to being approved for occupancy of a BMR unit as a new tenant.

**ADDENDUM TO BMR LEASE**

The attached revised Addendum to BMR Lease has been prepared to allow greater flexibility for those property owners offering leases for terms of anything other than 12 months (for example, a month-to-month lease or other term). The Addendum to BMR Lease is only required to be completed when a new lease is signed.

**PREMIUM FEE FOR MONTH TO MONTH LEASE PERMITTED**

A premium fee charged when market rate tenants elect a month-to-month lease **may** be charged to BMR tenants who **elect** a month-to-month lease, however BMR tenants must be **offered** a lease of 12 months, and may not be required to accept a lease of a shorter term. The premium fee charged to BMR tenants may not be higher than that charged to market-rate tenants.

**CONSIDERATION OF FAMILIAL RELATIONSHIPS**

Property managers may consider family/household composition (i.e., age, gender of children, family relationships, etc.) when determining appropriate unit size for an applicant to rent, and managing the waiting list accordingly. For instance, very young children may share a room, whereas a child would not be expected to share a room with his/her parent(s) or other adult. Such consideration does not constitute discrimination against families with children. If a family wishes to rent a unit larger than what is allowed under the BMR rental program occupancy standards, (which are listed on page R-4 of the BMR Rental Program Administrative Procedures) they may rent a market rate unit, or they may contact our office for

consideration of any special housing needs which may require additional space. Property managers may contact the Housing Division at any time for assistance in determining appropriate unit size for a given applicant, or for additional information regarding fair housing compliance.

#### **CHANGES TO HOUSEHOLD SIZE**

BMR tenants are not generally required to move to a smaller or larger unit due to changes in household size due to customary household changes such as birth or adoption of a child, or death, divorce, children growing up and moving out, etc.). However, if the voluntary addition of a new **adult** household member(s), such as extended family or other new roommates, exceeds either the maximum BMR occupancy standards, or the occupancy standards set forth under state health and safety codes, which are based on the square footage of the unit, the property manager may prohibit the additional adult household member(s). Tenants or property managers may contact the Housing Division for special consideration of any special housing needs requiring additional occupants (such as a live-in health care aide). Current health and safety code occupancy standards are available by calling the Building Division at (408) 730-7580.

#### **RENTAL OWNER/PROPERTY MANAGER MEETING**

An informal quarterly meeting is tentatively scheduled for **January 22, 2008 at 8:30 am** at City Hall to discuss ideas, provide feedback and answer questions property managers or owners may have to promote efficiency and success of the BMR Rental Program. More details to follow.

Thank you to all the participants who attended the BMR Rental Workshop.